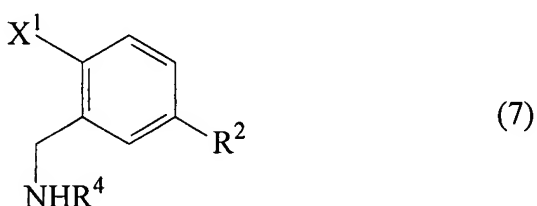


## REMARKS

Claims 1-5 are pending in this application. By this Amendment, claim 3 has been amended, and claims 4 and 5 have been newly added. Applicants submit that no new matter is presented herein.

Initially, Applicants thank the Examiner for the indication that claims 1 and 2 are allowed. This Amendment is being presented in an earnest attempt to place this application in condition for allowance.

Claim 3 relates to an acylbenzylamine derivative represented by the general formula (7),



where  $X^1$  is a halogen atom,  $R^2$  is an acyl group selected from the group consisting of  $C_1$ - $C_7$  linear aliphatic acyl groups,  $C_1$ - $C_7$  branched aliphatic acyl groups,  $C_3$ - $C_6$  cycloalkylcarbonyl groups, and unsubstituted aromatic acyl groups, and  $R^4$  is a hydrogen atom or an acyl group.

In addition, Applicants have added new claims 4-5 in order to provide an additional scope of protection commensurate with the invention. Claim 4 recites that  $R^2$  represents an acyl group selected from the group consisting of  $C_1$ - $C_7$  linear aliphatic acyl groups,  $C_1$ - $C_7$  branched aliphatic acyl groups, and  $C_3$ - $C_6$  cycloalkylcarbonyl groups, and  $R^4$  represents a hydrogen atom. Claim 5 recites that  $R^2$  represents an acyl group

selected from the group consisting of C<sub>1</sub>-C<sub>7</sub> linear aliphatic acyl groups, C<sub>1</sub>-C<sub>7</sub> branched aliphatic acyl groups, C<sub>3</sub>-C<sub>6</sub> cycloalkylcarbonyl groups, and unsubstituted aromatic acyl groups, and R<sup>4</sup> represents an acyl group. Support for these features may be found, for example, at page 19, line 7 to page 20, line 2.

Claim 3 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lee et al. (*J. Med. Chem.* 27(12):1579-1587 (1984)). Applicants traverse this rejection.

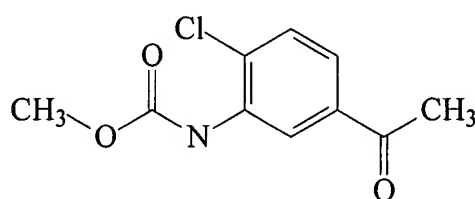
The Office Action alleges that compound 50 of Lee et al. contains the features of claim 3 when R<sup>4</sup> is hydrogen. Compound 50 is shown on page 1580, column 2, in Scheme III of Lee et al. (Applicants believe that the reference to Scheme II that is found in the Office Action was in error). However, Lee et al. requires a substituted aromatic acyl group including halogen substituents and an alkoxy carboxylic acid substituent. Lee et al. fails to disclose or suggest the acylbenzylamine derivatives of formula (7), as set forth in claim 3, in which R<sup>2</sup> is an acyl group selected from the group consisting of C<sub>1</sub>-C<sub>7</sub> linear aliphatic acyl groups, C<sub>1</sub>-C<sub>7</sub> branched aliphatic acyl groups, C<sub>3</sub>-C<sub>6</sub> cycloalkylcarbonyl groups, and unsubstituted aromatic acyl groups, and R<sup>4</sup> is a hydrogen atom or an acyl group.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) over Lee et al. be withdrawn.

Claim 3 was also rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Ozaki et al. (WO 01/10825, which is equivalent to U.S. Patent No. 6,812,229). Applicants traverse this rejection.

The Office Action alleges that Ozaki et al. discloses methyl N-[2-chloro-5-(acetylbenzyl)] carbamate as a starting material in Preparation Example 3. The Office Action takes the position that this starting material contains all of the features of claim 3. However, Applicants disagree with this conclusion.

The structure of the starting material used in Preparation Example 3 (methyl N-[2-chloro-5-(acetylbenzyl)] carbamate) is as follows:



This starting material is a carbamate derivative in which R<sup>1</sup> represents an alkoxycarbonyl group, which is clearly different from the carbamide derivative of claim 3, in which R<sup>1</sup> represents an acyl group.

Accordingly, Ozaki et al. does not disclose or suggest the acylbenzylamine derivatives of formula (7), as set forth in claim 3, in which X<sup>1</sup> is a halogen atom, R<sup>2</sup> is an acyl group selected from the group consisting of C<sub>1</sub>-C<sub>7</sub> linear aliphatic acyl groups, C<sub>1</sub>-C<sub>7</sub> branched aliphatic acyl groups, C<sub>3</sub>-C<sub>6</sub> cycloalkylcarbonyl groups, and unsubstituted aromatic acyl groups, and R<sup>4</sup> is a hydrogen atom or an acyl group.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) over Lee et al. be withdrawn.

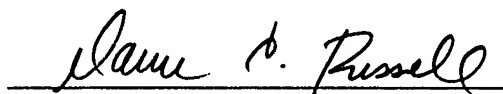
### CONCLUSION

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 1-5, and the prompt issuance of a Notice of Allowance are respectfully requested.

Should the Examiner believe that anything further is necessary in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account No. 01-2300 referencing docket number **100021.00157**.

Respectfully submitted,



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Attachment: Petition for Extension of Time (3 months)